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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,041	09/29/2003	John Harvey	020366D1	2581
23596 7590 05/26/2010 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER SAMPLE, JONATHAN L				
ART UNIT 3664		PAPER NUMBER		
NOTIFICATION DATE 05/26/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

Office Action Summary

Application No.

10/674,041

Applicant(s)

HARVEY ET AL.

Examiner

Jonathan Sample

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a Non Final Rejection on the merits following the Notice of Panel Decision of Pre-Appeal Brief Review sent on 05-21-2010. Claims 20-63 are currently pending in the instant application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 20-63** are rejected under 35 U.S.C. 102(e) as being anticipated by Obradovich et al (US 2002/0156555 A1).

Regarding claims 20, 32 and 44, an apparatus (Figure 1, system 100) at a vehicle location, and corresponding method, for validating a vehicle operator to operate selected functions of a vehicle, comprising: an input device for entry of vehicle operator identification information (Figure 1; paragraphs 0041-0043, 0050, 0074-0075, 0081 and 0084-0087); a transceiver for transmitting said vehicle operator identification information to a remote location for validation and receiving from said remote location a reply message specifying which of said selected functions the operator is validated to operate and specifying at least one action to be taken to indicate the validation to the vehicle

operator (paragraphs 0006, 0078-0079 and 0140); and means for enabling (Figure 1, processor 105) said selected functions and the at least one action specified by a said reply message (paragraphs 0041, 0051-0053, 0084-0087 and 0140).

Regarding claims 21, 33 and 45, wherein the at least one action comprises flashing a headlight of said vehicle (Figure 1, light interface 108i; paragraphs 0043, 0056 and 0065).

Regarding claims 22, 34 and 46, wherein the at least one action comprises flashing a tail light of said vehicle (Figure 1, light interface 108i; paragraphs 0043, 0056 and 0065).

Regarding claims 23, 35 and 47, wherein the at least one action comprises flashing a vehicle interior light of said vehicle (Figure 1, light interface 108i; paragraphs 0043, 0056 and 0065).

Regarding claims 24, 36 and 48, wherein the at least one action comprises sounding a horn of said vehicle (paragraph 0139). Examiner notes wherein the vehicle "horn" function is well known within the art and further wherein Obradovich et al implicitly implies wherein automobile features are capable of being incorporated into the system.

Regarding claims 25, 37 and 49, wherein said selected functions comprise impairing operation of a vehicle associated with said apparatus (paragraphs 0067-0068, 0072-0079 and 0139-0140).

Regarding claims 26, 38 and 50, wherein said impairing operation of said vehicle comprises preventing said vehicle from starting (paragraphs 0067-0068, 0072-0079 and 0139-0140).

Regarding claims 27, 39 and 51, wherein said impairing operation of said vehicle comprises disabling a vehicle ignition system (paragraphs 0067-0068, 0072-0079 and 0139-0140).

Regarding claims 28, 40 and 52, wherein said selected functions comprise impairing a fuel system of said vehicle (paragraphs 0067-0068, 0072-0079 and 0139-0140).

Regarding claims 29, 41 and 53, wherein said impairing operation of said vehicle comprises impairing a vehicle transmission (paragraphs 0067-0068, 0072-0079 and 0139-0140).

Regarding claims 30, 42 and 54, wherein said impairing a vehicle transmission comprises limiting the number of gears that may be used during operation of said vehicle (paragraphs 0067-0068, 0072-0079 and 0139-0140).

Regarding claims 31, 43 and 55, wherein said selected function are selected from a group consisting of enabling an operation of the vehicle, specifying a time during which the vehicle may be operated, enabling the vehicle to be started; enabling an ignition system of the vehicle, enabling a fuel system of the vehicle, and limiting a number of gears that may be used, during operation of the vehicle, establishing a distance over which the vehicle may be driven (paragraphs 0067-0068, 0072-0079 and 0139-0140).

Regarding claims 56, 58 and 60, wherein the reply message further specifies at least one message for the vehicle operator (paragraphs 0041, 0051-0053, 0084-0087 and 0140).

Regarding claims 57, 59 and 61, wherein the at least one message comprises at least one of a route of travel for the vehicle, an itinerary for the vehicle, and a personal message for the vehicle operator (paragraphs 0041, 0051-0054, 0083-0087 and 0140).

Regarding claims 62 and 63, an apparatus and corresponding method for validating, at a remote location, a vehicle operator to operate selected functions of a vehicle, comprising: a transceiver configured to receive vehicle operator identification information and configured to transmit a reply message to the vehicle (paragraphs 0006, 0078-0079 and 0140); and a processor (Figure 1, processor 105) configured to validate the operator identification information, configured to generate the reply message specifying which of said selected functions the operator is validated to operate, and configured to generate a notification of the validation and to transmit the notification to a third party (paragraphs 0041, 0051-0053, 0084-0087 and 0140).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 - Notice of References Cited form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Sample whose telephone number is (571)270-5925. The examiner can normally be reached on M-F 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S./
Examiner, Art Unit 3664
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664